In the High Court of Punjab and Haryana, Chandigarh.

C.W.P.No.18530 of 2006

Date of Decision: 12.2.2007

Badri Prasad …Petitioner.

Versus

Managing Director, Haryana Co-operative Sugar Mills Limited, Rohtak and another.

…Respondents.

CORAM: HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr.S.K.Redhu, Advocate
for the petitioner.

JUDGMENT

M.M.KUMAR, J. (ORAL)

This petition filed under Article 226 of the Constitution prays for quashing order dated 3.10.2006 (Annexure P3) passed by the Industrial Tribunal-cum-Labour Court, Rohtak, dismissing the application of the petitioner under Section 33-C(2) of the Industrial Disputes Act, 1947, after recording the satisfaction that the award passed by the Labour Court, Rohtak on 8.11.2000 has been complied with as 50% back wages awarded to the petitioner stood paid. In para 10 of the order, the Industrial Tribunal-cum-Labour Court, Rohtak, has categorically found that the petitioner has received full and final payment from the Management vide Ex.M2 in the presence of the Labour-cum-Conciliation Officer on 25/27.8.2001 and that the petitioner

was not in fact entitled to file any application thereafter. When the matter has come up for consideration on 23.11.2006, this Court has directed the petitioner to place on record Ex.M2, which is a receipt issued by the petitioner after receiving the full amount. The same has been produced on record vide application (C.M.No.2001 of 2007) which makes it further clear that the petitioner had received the payment of back wages in pursuance to the award dated 8.11.2000. Nothing was due to him.

In view of the aforementioned factual position, nothing survives for adjudication of these proceedings. The Writ Petition is without merit. Dismissed.

(M.M.KUMAR)
Judge

February 12, 2007 **(RAJESH BINDAL)**
dkb **Judge**